

**Agricultural and Forestal District-1-98. Barrett's Ferry AFD-2002 Renewal  
Staff Report for April 9, 2002, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

**PUBLIC HEARINGS**

AFD Advisory: Building C Board Room; County Government Complex  
February 21, 2002, 4:00 p.m., Human Services Center  
Planning Commission: March 4, 2002, 7:00 p.m., Building C Board Room  
Board of Supervisors: April 9, 2002, 7:00 p.m., Building C Board Room

**SUMMARY FACTS**

Applicant/Land Owner: Mr. Baxter Bell

Proposed Use: Renewal of the existing Barrett's Ferry Agricultural and Forestal District

Location: Generally located between the Chickahominy River, The Governor's Land at Two Rivers, and Route 5

Tax Map and Parcel No.: (43-2)(1-3)

Primary Service Area: Outside

Existing District Size: 210.49 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1; Gordon's Creek AFD  
South: R-4; The Governor's Land at Two Rivers  
East: A-1; Undeveloped  
West: A-1; Barrett's Ferry Subdivision

Staff Contact: David Anderson - Phone: 253-6685

**STAFF RECOMMENDATION:**

Staff finds that the AFD is consistent with the surrounding zoning and development and consistent with the Comprehensive Plan and recommends the continuance of the Barrett's Ferry Agricultural and Forestal District for a period of four years subject to the conditions listed in the staff report. On February 21, 2002, the AFD Advisory Committee voted 8-0 to recommend approval of the renewal, and on March 4, 2002, the Planning Commission voted 7-0 to recommend approval of the renewal.

Barrett's Ferry Agricultural and Forestal District is approaching the end of its four-year term. In order for the continuation of this AFD, the Board of Supervisors will need to approve its renewal by April 28, 2002. This District is comprised of approximately 210 acres at 1671 John Tyler Highway in the Berkeley District. The property is located approximately 3,000 feet east of the Chickahominy River bridge on Route 5, John Tyler Highway, and is further identified as Parcel No. (1-3) on the James City County Real Estate Tax Map No. (43-2). The property is zoned A-1, General Agricultural District, and is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan.

### **Property Description**

The property lies generally between the Chickahominy River, The Governor's Land at Two Rivers, and Route 5. A small portion of the parcel is north of Route 5. The majority of the parcel is adjacent to the Barrett's Ferry subdivision. This subdivision was created by the property owner from a portion of the parent parcel. The property is wooded, but large areas have been selectively timbered. The land also has direct frontage on the Chickahominy River and has approximately 20-30 acres of marshland that drains directly into the Chickahominy River. There are no structures on the property and it is completely outside of the Primary Service Area (PSA). Public water and public sewer are not available to the property.

### **Surrounding Zoning and Land Uses**

The property is zoned A-1, General Agricultural District. Land directly north of the site is also zoned A-1, and is part of the Gordon Creek AFD. To the west is Barrett's Ferry subdivision, also zoned A-1, and the Chickahominy River. To the south is Governor's Land, zoned R-4, Residential Planned Community. East of the property is undeveloped, wooded land zoned A-1.

Staff feels continuation of this AFD is compatible with surrounding zoning and land uses. The property is in an area of the County where suburban, residential development is not encouraged. The renewal of this AFD will help to ensure the property remains in forestal and/or agricultural uses for the duration of the District.

### **Comprehensive Plan**

The property is designated Rural Lands and Conservation Area on the James City County Comprehensive Plan. Most of the southwestern quarter of the property is designated Conservation Area. This area drains directly into the Chickahominy River and is undevelopable. Preferred land uses in this area include hunting and fishing clubs, fish and game preserves, parks, and other open spaces which compliment the natural environment.

The balance of the property is designated Rural Lands and includes all of the land which fronts on Route 5. The continuation of this AFD is supported by several Rural Land Use Standards listed in the Comprehensive Plan, including preserving the natural, wooded, and rural character of the County. Staff feels that continuing an AFD on this property is consistent with the Comprehensive Plan.

### **Forestry Potential**

The Resident State Forester had reviewed the initial application for this AFD and worked with the applicant to develop a forestry management plan for the property. Because the property has been selectively timbered, ensuing undergrowth makes it difficult for evergreen seedlings to establish themselves under such conditions. As a result, the Resident State Forester had suggested that the hardwoods be allowed to establish themselves on the property. In conjunction with the forestry management plan, the applicant has worked with the Department of Game and Inland Fisheries to create and preserve existing wildlife habitat on the property.

## **Soils**

According to the Natural Resources Conservation Service, there are no less than nine soil complexes present on the property. Most of the soils on the property have moderate to very high tree potential. Some soils do not support tree growth nor are they suitable for agriculture because of their location in tidal areas. There are two Prime Farmland soil complexes present on the property, however, they constitute a very small percentage of the total property.

## **Transportation Issues**

The property has approximately 3,500 feet of frontage on the south side of Route 5 and 1,000 feet of frontage on the north side. All lands within 25 feet of the existing right-of-way on the north side of Route 5 are excluded from the District for possible road and/or drainage improvements. Because of the Route 5 corridor's inclusion in the Capitol to Capitol Bikeway, all lands within 50 feet of the existing right-of-way on the south side of Route 5 are excluded from the District for the bikeway and for possible road and/or drainage improvements. This exclusion of land from the District does not negatively impact the applicant's ability to qualify for Use Value Taxation should his property otherwise qualify for it.

## **Recommendation**

The location and physical characteristics of this property make it a viable candidate for continuation of an AFD. The analysis provided by the Natural Resources Conservation Service and the Virginia Department of Forestry supports the forestry potential of the property. In addition, the environmental sensitivity of the area is not conducive for intensive residential or commercial development. The Comprehensive Plan supports the continuation of this District by preserving forestry and agricultural lands, and by preserving the rural character of the County.

As stated earlier, the applicant has previously subdivided a 54-acre portion of the parent parcel. The 210-acre remaining portion abuts this earlier subdivision. Staff, the AFD Advisory Committee, and the Planning Commission, recommend continuation of AFD-1-98, Barrett's Ferry Agricultural and Forestal District for a period of four years, with the following conditions, as originally adopted by the Board of Supervisors on April 28, 1998:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner's immediate family. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment, provided: a) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land within the Barrett's Ferry Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code Section 15.2-4301 et. seq. which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County's policies and ordinances regulating such facilities.

In addition, staff recommends that all land within 50 feet of the existing right-of-way on the south side of Route 5, John Tyler Highway, continue to be excluded from the District for possible future road and/or drainage

improvements, and for the planned Capitol to Capitol Bikeway. Staff recommends that all land within 25 feet of the existing road right-of-way on the north side of Route 5, John Tyler Highway, continue to be excluded from the District for possible future road and/or drainage improvements.

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David Anderson

CONCUR:

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O. Marvin Sowers, Jr.

DA/g  
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Attachments:

1. Minutes from the March 4, 2002, Planning Commission Meeting
2. Unapproved Minutes from February 21, 2002, AFD Advisory Committee Meeting
3. Location Map
4. Resolution